

EXHIBIT 5

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMPLIFY CAR WASH ADVISORS LLC

Plaintiff,

v.

CAR WASH ADVISORY LLC, and
HARRY CARUSO,

Defendants.

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Case No. 22-cv-5612-JGK

**DEFENDANTS CAR WASH ADVISORY LLC AND HARRY CARUSO'S INITIAL
DISCLOSURES**

Defendants Car Wash Advisory LLC (CWA) and Harry Caruso (Caruso) state the following by and through undersigned counsel:

PRELIMINARY STATEMENT

Defendants' investigation is ongoing, and these initial disclosures are based on information reasonably available at this time. Defendants therefore reserve the right to amend or supplement these initial disclosures based on additional information uncovered through the course of Defendants' investigation and the parties' discovery. Defendants also reserve the right to assert all appropriate claims, positions, theories, and defenses in this case, to produce and rely on additional documents or facts, and to depose and otherwise rely on witnesses not listed herein. Defendants provide these initial disclosures without prejudice to their right to introduce at a hearing or at trial any subsequently discovered evidence.

Defendants make these initial disclosures without waiving or limiting their right to

(1) object to the discoverability or admissibility of any materials or testimony identified herein on the grounds of competency, privilege, the work product doctrine, undue burden, relevance, hearsay, or any other proper ground; (2) object to the use of any such information, for any purpose, in whole or in part, in any other proceeding or action; (3) object on any and all grounds, at any time, to any discovery request or proceeding involving or relating to the subject matter of these disclosures; and (4) remove from these disclosures any individual if Defendants discover that the information known by such individual is not discoverable.

DISCLOSURES

Pursuant to Federal Rule of Civil Procedure 26(a)(1), Defendants make the following initial disclosures based on the information reasonably available as of this date.

1. Rule 26(a)(1)(A)(i)

The following individuals are likely to have discoverable information that Defendants may use to support their claims, unless the use would be solely for impeachment.

Name	Contact Information	Subject(s) of the Information
Harry Caruso	Contact through Defendants' counsel	Matters surrounding Car Wash Advisory LLC ("CWA") and the allegations underlying Plaintiff's Complaint, Defendants' Answer, interactions between CWA and Plaintiff, and the domain in question.
Current and/or former employees of CWA	Contact through Defendants' counsel	Matters surrounding CWA and the allegations underlying Plaintiff's Complaint, Defendants' Answer, interactions between CWA and Plaintiff, and the domain in question.

Managers or employees of Amplify Car Wash Advisory	Contact through Plaintiff's counsel	Matters surrounding CWA and the allegations underlying Plaintiff's Complaint, Defendants' Answer, interactions between CWA and Plaintiff, claims of damages, marketing efforts and expenditures by Amplify, efforts by Amplify surrounding trademark or copyright protection of the alleged Amplify mark, and claims of loss by Amplify connected to the domain in question.
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This list represents the names of potential witnesses currently known to Defendants. As we receive discovery from Plaintiff, Defendant reserves the right to supplement this list.

2. Rule 26(a)(1)(A)(ii)

The following documents, electronically stored information, and tangible things are in the possession, custody, or control of Defendant and may be used to support its claims:

Category	Location
Communications between CWA and Amplify	Records of Defendant; to be obtained through undersigned counsel
Documents regarding domain named in Complaint	Records of Defendant; to be obtained through counsel
SEO search tool results showing lack of domain traffic	Records of Defendant; to be obtained through counsel Reputable SEO search tools are also publicly available

Pleadings and pre-filing documents related to the litigation	Records of Defendant; to be obtained through counsel
Documents supporting mode of inception of client relationships between November 2021 and July 2022	Records of Defendant; to be obtained through counsel

Defendants may also rely upon any information that may be identified by Plaintiff in its discovery responses.

3. Rule 26(a)(1)(A)(iii)

Defendants' damages consist of ongoing damages in the form of attorney's fees and costs in the course of attempting to negotiate with Plaintiff and defending themselves from Plaintiff's unfounded claims. Defendants are not claiming any other damages.

4. Rule 26(a)(1)(A)(iv)

Defendants are unaware of any applicable insurance agreement.

Dated: December 9, 2022

Respectfully submitted,

/s/ Maryam N. Hadden
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*Attorney for Defendants, Car Wash Advisory LLC
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All counsel via e-mail